

Interim Decision #2110

MATTER OF LEBLANC
In Visa Petition Proceedings

LOS-N-12900

Decided by Regional Commissioner November 26, 1971

The statute does not require that the beneficiary of a visa petition to accord nonimmigrant classification as an intra-company transferee under section 101(a)(15)(L) of the Immigration and Nationality Act, as amended, be coming to an existing office, branch or other establishment of his employer in order that the petition may be approved. While there may be a question as to whether or not the petitioning company actually has an established and existing affiliate in the United States at this time, where, as the record in the instant case shows, the petitioner has acquired physical premises necessary to its functions here-which evidences the bona fides of its intended operation in this country, the petition may be approved if otherwise approvable.

ON BEHALF OF PETITIONER: Paul Gutman, Esquire
1900 Avenue of the Stars, Suite 1060
Los Angeles, California 90067

This case comes before the Regional Commissioner on appeal from the decision of the District Director, Los Angeles, who denied the petition on October 7, 1971, stating in pertinent part that: "Inasmuch as the services of the beneficiary are requested to participate in the organization of the United States branch, not yet in existence, it is concluded that the beneficiary does not meet the criteria for classification as intra-company transferee under section 101(a)(15)(L) of the Act, as amended."

The petitioner, Thriftmart Ltd., is a corporation organized and existing under the laws of the province of Ontario, Canada, since 1964, intending to conduct its business in the State of California under the name of Cosmetiques Herbelle. It intends to promote the door-to-door retail sales of cosmetics on credit as it has been doing in Canada. The petitioner has submitted a certificate of qualification certifying the petitioner, dba Cosmetiques Herbelle, as a Canadian corporation qualified to transact intrastate business in California. The petition was filed on October 7, 1971, under